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CLEVELAND, OH 44115-1414**

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**JUL 21 2008**

|                                 |   |                      |
|---------------------------------|---|----------------------|
| In re Application of            | : |                      |
| Jason SULAK                     | : |                      |
| Application No. 09/629,370      | : | DECISION ON PETITION |
| Filed: July 31, 2000            | : |                      |
| Attorney Docket No. 18/05085742 | : |                      |

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 22, 2008, to revive the above-identified application.

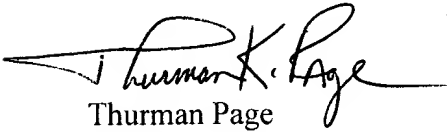
The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file a complete and proper appeal brief within the time period provided in 37 CFR 41.37(a)(1). As a complete and proper appeal brief was not filed within one (1) month of the Notification of Non-Compliance with 37 CFR 41.37(c)(1), mailed October 2, 2007, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on November 3, 2007. See MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a corrected Appeal Brief, (2) the petition fee of \$1540; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center 2173 for appropriate action by the Examiner in the normal course of business on the reply received April 22, 2008.

A handwritten signature in black ink, appearing to read "Thurman K. Page". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Thurman Page  
Petitions Examiner  
Office of Petitions



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PTO/SB/64 (01-08)

Approved for use through 01/31/2008. OMB 0651-0031

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
Signature

4/22/2008

Date

James C. Scott

Typed or printed name

35,351

Registration Number, if applicable

1375 East Ninth Street, One Cleveland Center, Ninth Floor

Address

216.623.0150

Telephone Number

Cleveland, Ohio 44114

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Please charge our Deposit Acct. No. 500959 for all fees..

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

04/22/2008

Date

  
Jennifer Ridge

Signature

Typed or printed name of person signing certificate

(Page 2 of 2)

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DATE: 4/22/08 PAGES (INCLUDING COVER PAGE): 27

TO: Corrected Appeal Brief  
Petition to Revive FAX: 571.273.8300

FROM: James C. Scott CLIENT MATTER: 109769.0020

We are transmitting from facsimile equipment, which will automatically connect transmissions to Roetzel & Andress twenty-four hours a day. If problems arise during transmission, please contact the operator at the office number listed above. Thank you.

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COMMENTS:

Dear Sirs,

Please see the attached Corrected Appeal Brief and Petition to Revive.

Thank you.

296801.109769.0020

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